

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BIG APPLE PHOTO, LLC,

Plaintiff,

-against-

DATA CAPTURE CONSULTANTS, INC.,
JAMES M. COMPTON AND
PAYMENTECH, LLC.,

Defendants.
-----X

FILED Case No.: 04 Civ. 3643
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.
★ MAY 3 2005 ★
NOTICE OF DISMISSAL
WITHOUT PREJUDICE
BROOKLYN OFFICE

1. Plaintiff files this Notice of Dismissal pursuant to Federal Rule of Civil Procedure 41 (a)(1).
2. Defendants have been served with process and have not filed an answer or any motions.
3. This case is not a class action.
4. A receiver has not been appointed in this action.
5. This case is not governed by any federal statute that requires an order of the court for dismissal of the case.
6. This Notice of Dismissal shall not serve as an adjudication upon the merits.
7. Plaintiff has not dismissed an action based on or including the same claims as those presented in this suit.
8. This dismissal is made without prejudice and for the purposes of allowing the parties time to attempt to amicably resolve their differences.

Dated: New York, New York
May 20, 2005

So Ordered

Darren Oved, Esq. (DO 9337)
OVED & OVED LLP
Attorneys for Plaintiff
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New York, New York 10012
Tel: 212.226.2376

Nicholas G. Garaufis
United States District Judge

May 20, 2005